

AMENDED IN ASSEMBLY JUNE 13, 2006

AMENDED IN SENATE MARCH 29, 2006

SENATE BILL

No. 1349

Introduced by Senator Soto

(Principal coauthor: Assembly Member Koretz)

(Coauthor: Assembly Member Benoit)

February 17, 2006

An act to amend Sections 597b and 597j of, and to repeal and add Section 597c of, the Penal Code, relating to animal fighting exhibitions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1349, as amended, Soto. Animal fighting exhibitions.

Existing law generally prohibits persons from causing or permitting specified animals to engage in fighting, and prohibits owning or training specified animals for those purposes. Existing law provides that these offenses are misdemeanors with various penalties, and that subsequent violations of these provisions are misdemeanors with additional specified penalties.

This bill would increase the penalties for the misdemeanors and would provide that subsequent violations of these provisions shall be misdemeanors or felonies with prescribed penalties. The bill would make related legislative findings.

By changing the definition of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) Cockfighting has played a significant role in the spread of
4 avian influenza throughout Southeast Asia and other parts of the
5 world. It is estimated that a worldwide outbreak of avian
6 influenza could kill up to 150 million people. In a 2004 study of
7 the avian flu outbreak in Thailand, the United States Centers for
8 Disease Control and Prevention (CDC) concluded that illegal
9 transportation and cockfighting may have worsened the highly
10 pathogenic avian influenza (HPAI) situation. According to the
11 World Health Organization, infected fighting cocks may have
12 caused at least eight confirmed human cases of avian influenza in
13 Thailand and Vietnam since the beginning of 2004.

14 (b) The presence of cockfighting in California makes the state
15 vulnerable to an outbreak of avian flu. In late 2002 and early
16 2003, cockfighting played a major role in the spread of Exotic
17 Newcastle Disease (END) throughout southern California. By the
18 time the state was able to get that virus under control, END had
19 devastated much of California's egg and poultry industry. More
20 than 3.5 million birds died or were euthanized. END cost the
21 United States taxpayers \$200 million to eradicate. It cost the
22 poultry industry millions more in lost overseas exports as it
23 spread across the southwestern United States.

24 (c) By encouraging cockfighters from other states to come to
25 California, the state's current penalties on cockfighting have
26 made California more vulnerable to an outbreak of the avian flu.
27 Arizona, Nevada, and Oregon all have felony-level penalties for
28 cockfighting, making California, with its simple
29 misdemeanor-level penalties, a regional refuge for illegal
30 cockfighting activity.

31 (d) The cost of an outbreak of avian flu in California would far
32 surpass the cost of enacting felony-level penalties against
33 cockfighting. An avian flu outbreak that occurred during 1983

1 and 1984 in the northeastern United States took two years to
2 control and resulted in the destruction of more than 17 million
3 birds at a cost of nearly \$65 million. This outbreak also caused
4 retail egg prices to increase by more than 30 percent.

5 (e) It is therefore the intent of the Legislature in enacting this
6 act to put penalties in place that deter cockfighting and thereby
7 diminish risks to California's public health, safety and legitimate
8 multi-million-dollar poultry and egg industries.

9 SEC. 2. Section 597b of the Penal Code is amended to read:

10 597b. (a) Except as provided in subdivisions (b) and (c), any
11 person who, for amusement or gain, causes any bull, bear, or
12 other animal, not including any dog, to fight with like kind of
13 animal or creature, or causes any animal, including any dog, to
14 fight with a different kind of animal or creature, or with any
15 human being, or who, for amusement or gain, worries or injures
16 any bull, bear, dog, or other animal, or causes any bull, bear, or
17 other animal, not including any dog, to worry or injure each
18 other, or any person who permits the same to be done on any
19 premises under his or her charge or control, or any person who
20 aids, ~~or~~ abets the fighting or worrying of an animal or creature, is
21 guilty of a misdemeanor punishable by imprisonment in a county
22 jail for a period not to exceed one year, by a fine not to exceed
23 five thousand dollars (\$5,000), or by both that imprisonment and
24 fine.

25 (b) Any person who, for amusement or gain, causes any cock
26 to fight with another cock or with a different kind of animal or
27 creature or with any human being; or who, for amusement or
28 gain, worries or injures any cock, or causes any cock to worry or
29 injure another animal; and any person who permits the same to
30 be done on any premises under his or her charge or control, and
31 any person who aids or abets the fighting or worrying of any
32 cock is guilty of a misdemeanor punishable by imprisonment in a
33 county jail for a period not to exceed one year, or by a fine not to
34 exceed five thousand dollars (\$5,000), or by both that
35 imprisonment and fine.

36 (c) A second or subsequent conviction of this section is a
37 misdemeanor or a felony punishable by imprisonment in a county
38 jail for a period not to exceed one year or the state prison for 16
39 months, two, or three years, by a fine not to exceed twenty-five

1 thousand dollars (\$25,000), or by both that imprisonment and
2 fine.

3 (d) For the purposes of this section, aiding and abetting a
4 violation of this section shall consist of something more than
5 merely being present or a spectator at a place where a violation is
6 occurring.

7 SEC. 3. Section 597c of the Penal Code is repealed.

8 SEC. 4. Section 597c is added to the Penal Code, to read:

9 597c. Any person who is knowingly present as a spectator at
10 any place, building, or tenement for an exhibition of animal
11 fighting, or who is knowingly present at that exhibition or is
12 knowingly present where preparations are being made for the
13 acts described in subdivision (a) or (b) of Section 597b, is guilty
14 of a misdemeanor.

15 SEC. 5. Section 597j of the Penal Code is amended to read:

16 597j. (a) Any person who owns, possesses, keeps, or trains
17 any bird, cock, or other animal with the intent that it be used or
18 engaged by himself or herself, by his or her vendee, or by any
19 other person in an exhibition of fighting as described in Section
20 597b is guilty of a misdemeanor punishable by imprisonment in
21 a county jail for a period not to exceed one year, by a fine not to
22 exceed five thousand dollars (\$5,000), or by both that
23 imprisonment and fine.

24 (b) This section shall not apply to an exhibition of fighting of
25 a dog with another dog.

26 (c) A second or subsequent conviction of this section is a
27 misdemeanor or a felony punishable by imprisonment in a county
28 jail for a period not to exceed one year or the state prison for 16
29 months, two, or three years, by a fine not to exceed twenty-five
30 thousand dollars (\$25,000), or by both that imprisonment and
31 fine.

32 SEC. 6. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the
37 penalty for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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